

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CITIZENS BANK OF MASSACHUSETTS,
Successor in Interest to FEDERAL SAVINGS
BANK,

Plaintiff

v.

PAMELA BAKER COLEMAN and
FEDERAL DEPOSIT INSURANCE
CORPORATION,
Defendants

DOCKET NO. 1:06-CV-10959-MLW

PLAINTIFF'S MOTION TO REMAND TO STATE COURT

The plaintiff, Citizens Bank of Massachusetts (the "Bank"), moves, pursuant to 28 U.S.C. §1447(c), that this matter be remanded to the Suffolk Superior Court, where it was first filed.

As grounds for its motion, the Bank states that there is no basis for federal jurisdiction where this action is not deemed to arise under the laws of the United States and, as a consequence, the FDIC's usual rights of removal are limited as the Bank's claim is a "state action" under 12 U.S.C. §1819(b)(2)(D).

In support of its motion, the Bank makes reference to its accompanying memorandum.

WHEREFORE, the plaintiff, Citizens Bank of Massachusetts, demands that this matter be remanded to the Suffolk Superior Court.

CITIZENS BANK OF MASSACHUSETTS,

By its attorneys,

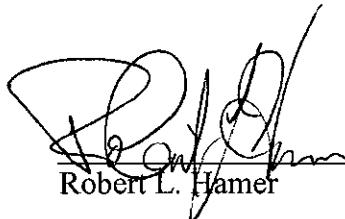


Robert L. Hamer, BBO #218715
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
Phone: (508) 791-8500
Fax: (508) 791-8502

June 30, 2006

CERTIFICATE OF SERVICE

I, Robert L. Hamer, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to **David B. Stein**, Esq., Rubin, Weisman, Colasanti, Kajko & Stein, LLP, 430 Bedford Street, Lexington, MA 02420; and to **Paul D. Maggioni**, Esq., FDIC – Boston Area Office – Legal Division, 15 Braintree Hill Office Park, Braintree, MA 02184.



Dated: June 30, 2006

Robert L. Hamer